



**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: MAY 7, 2014

FROM: WHARFINGER

SUBJECT: TEMPORARY ORDER NO. _____ AMENDING ITEMS 100 AND 1615 OF THE PORT OF LOS ANGELES TARIFF NO. 4, SECTION ONE "DEFINITIONS" AND SECTION SIXTEEN "GENERAL RULES AND REGULATIONS"; AND ADDING A NEW SECTION TWENTY-FOUR "RECREATIONAL COURTESY DOCKS"

PERMANENT ORDER NO. _____ AMENDING ITEMS 100 AND 1615 OF THE PORT OF LOS ANGELES TARIFF NO. 4, SECTION ONE "DEFINITIONS" AND SECTION SIXTEEN "GENERAL RULES AND REGULATIONS"; AND ADDING A NEW SECTION TWENTY-FOUR "RECREATIONAL COURTESY DOCKS"

SUMMARY:

On November 17, 2011 and December 20, 2012, the Board of Harbor Commissioners (Board) approved contracts for the waterside and landside construction of the Downtown Harbor. The Downtown Harbor will include approximately 900 feet of dock space for use as Recreational Courtesy Docks (RCD) that will be available for recreational boaters, tall ships, and training vessels to tie up and visit this area of the Port of Los Angeles. In order to ensure public safety and environmental protection, and to effectively manage these docks, changes to two existing Tariff Sections, and the addition of a new Tariff Section are proposed. The proposed Tariff language will include hours of operation, permit requirements, and enforcement guidelines.

RECOMMENDATIONS:

It is recommended that the Board of Harbor Commissioners:

1. Approve the Amendment to Tariff No. 4 Items 100 and 1615, and the addition of new Section Twenty-Four;
2. Adopt Temporary Order No. _____ and Permanent Order No. _____ to amend Items 100 and 1615 in the Port of Los Angeles Tariff No. 4, Section One "Definitions" and Section Sixteen "General Rules and Regulations"; and add a new Section Twenty-Four "Recreational Courtesy Docks";
3. Authorize the Board Secretary to certify the adoption of the Temporary Order by the Board and cause the same to be published once in a newspaper printed and

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published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not-to-exceed 90 days pursuant to Charter Section 653(b);

4. Direct the Board Secretary to transmit to the City Council for approval the Permanent Order and the Ordinance approving the authorizing the amendments to Tariff No. 4 pursuant to City Charter 653(a); and
5. Authorize the Board Secretary to execute the Temporary Order, Permanent Order and Ordinance amending Tariff No. 4 as stated above, and upon its publication, transmit the Orders and Ordinance to the Chief Wharfinger for implementation and posting to the City of Los Angeles Harbor Department's website.

DISCUSSION:

Background/Context: The Recreational Courtesy Docks at the Downtown Harbor are located at Berth 85, between the Maritime Museum and Fire Station #112 at the end of 5th Street, and are intended to increase public access to the waterfront. The project includes the construction of three long docks ranging in length from approximately 130' to 190' within the new 1.238 acre water cut. These docks will be open to the public and have the ability to berth fifteen 40' recreational vessels, and tall ships and training vessels of varying sizes.

Changes to Tariff No. 4 (Transmittal 1) are proposed in anticipation of the Grand Opening of the Downtown Harbor on June 20, 2014. The proposed Temporary Order (Transmittal 2) is required to keep the proposed tariff rules and regulations in place until the Permanent Order (Transmittal 3) and Ordinance (Transmittal 4) are approved by City Council.

Previous Board Action: On September 29, 2009, the Board certified the San Pedro Waterfront Environmental Impact Study/Environmental Impact Report (EIS/EIR), which included the LA Waterfront Downtown Harbor project. On April 7, 2011, the Board adopted Amendment No. 26 to the Port Master Plan providing for public access improvements to the waterfront and creation of a new harbor basin. On August 18, 2011, the Board approved issuance of a Level III Coastal Development permit for the San Pedro Waterfront Downtown Harbor project. On November 17, 2011, the Board awarded a contract for construction of the waterside portion of the Downtown Harbor, which included the creation of a new harbor inlet (Transmittal 5). On December 20, 2012, the Board awarded a contract for the construction of the landside portion of the Downtown Harbor, which included the docks for visiting vessels. The Recreational Courtesy Docks are within the approved \$36 million budget for the Downtown Harbor project, and at 90% completion, are due to be finished June 2, 2014.

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Regulations for the Recreational Courtesy Docks (RCD): In order to ensure the effective management and appropriate use of RCDs in the Port of Los Angeles, the following series of regulations were developed to address public safety, environmental protection and to ensure that the docks are utilized in an orderly and fair way.

Two items currently in Tariff No.4 will be affected. Item 100 in Section One "Definitions" will have a new definition added as Definition (gg) and will define the term "Recreational Courtesy Dock". Item 1615 in Section Sixteen "General Rules and Regulations" will have Note 1 added to indicate that Item 1615 does not apply to vessels made fast to an RCD for no more than four hours in any twenty-four hour period.

New Tariff Section: A new Section Twenty-Four "Recreational Courtesy Docks" will be added to Tariff No. 4. This Section will promulgate all of the regulations applicable to RCDs. The new section was modeled after existing Section 15 "Public Landings". This Section will establish the following rules for usage of the RCDs:

- The RCDs will be available for use between 6 am and 10 pm daily (Item 2400).
- Usage of the RCDs on a per vessel basis is limited to 4 hours in any 24 hour period (Item 2420).
- There will be no fee and a permit will not be required (Item 2420 and Item 1615, Note 1).
- Vessel size is limited to 100 feet and 100 gross registered tons (Item 2430).
- The RCDs may not be used by passenger vessels for hire and no commercial activities will be permitted (Item 2435 and Item 2401).
- No transfer of fish or merchandise of offensive or objectionable matter will be permitted (Item 2405).
- No vehicles will be permitted on the RCD (Item 2410).
- Monopolizing space or taking up an unreasonable amount of space at the RCDs will not be permitted and vessels are prohibited from obstructing access by other vessels to the RCD (Item 2415 and 2445).
- Repairs to vessels are prohibited and no discharges of any type are permitted (Item 2450).

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Signs to inform RCD users of these rules will be posted on the docks and gangways at the Downtown Harbor area. In addition, the RCD's signage will include the phone number for the Port Police if users have questions about the hours and regulations. Exceptions to some of these rules may be granted by permit issued from the Executive Director in advance.

Tariff Enforcement: Port Police will enforce these rules the same way that Tariff rules are currently enforced throughout the Port. Vessels that exceed the allowed usage time are subject to removal and may be assessed a dockage fee, and vessels may be towed to impound slips by Port Police (Items 2425, 2440, and 2455).

Security: Security cameras that were included in the construction budget will be installed at various locations around the Downtown Harbor area and will be monitored by the Port Police. Depending on numbers of people and vessels present at any given time or during special events, existing staff from Port Police Security may be posted at locations around the Recreational Courtesy Docks at the Downtown Harbor.

ENVIRONMENTAL ASSESSMENT

The proposed action is to approve two amendments to Tariff No. 4 and the addition of a new Tariff Section to ensure public safety, environmental protection, and effective management of recreational courtesy docks in the Downtown Harbor cut area. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Article II, Section 2 (f) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS

Approval of the proposed amendment will have no employment impact. Contracts for the waterside and landside construction of the Downtown Harbor associated with the proposed Amendment were assessed to support 255 direct and 214 secondary jobs for the five-county region at the time of approval.

FINANCIAL IMPACT

Public use of the Recreational Courtesy Docks is expected to be revenue neutral to the Port since public use of the docks will be at no charge. Uses that are in violation of the aforementioned Tariff items will be handled in a manner as described in proposed Section Twenty-Four of Tariff No. 4. It is contemplated that existing budgeted staff will be sufficient to regulate and otherwise monitor the Recreational Courtesy Docks once in

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use. The capital budget for the waterside and landside improvements of the Downtown Harbor Project is \$36 million, as awarded by the Board on November 17, 2011, and December 20, 2012. As of April 22, 2014, \$28 million has been expended for the Downtown Harbor improvements, including the Recreational Courtesy Docks and the project is expected to be completed by June 2, 2014, within budget. The security cameras and other monitoring infrastructure costs are included as part of the capital costs of the project. Ongoing operating and maintenance costs associated with the project are estimated to be \$90,000 annually and will be borne by the Port.

CITY ATTORNEY:

The Office of the City Attorney has approved the proposed Temporary Order, the proposed Permanent Order and the proposed Ordinance as to form and legality.

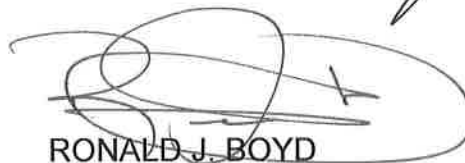
TRANSMITTALS:

1. Exhibit "A" - Port of Los Angeles Tariff No. 4, Section One "Definitions", and Section Sixteen "General Rules and Regulations", and Section Twenty-Four "Recreational Courtesy Docks"
2. Temporary Order
3. Permanent Order
4. Ordinance
5. Map and photo of Downtown Harbor

FIS Approval:  (initials)
CA Approval:  (initials)



DIANE BOSKOVICH
Chief Wharfinger



RONALD J. BOYD
Interim Deputy Executive
Director, Operations

APPROVED:



GARY LEE MOORE, P.E.
Interim Executive Director